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Attorney for Plaintiff

United States District Court

District of Oregon

Portland Division

Darryl PICKENS, an individual
Plaintiff,

v.

Hon. Eric K. SHINSEKI,
Secretary of Veterans Affairs; and
DOEs 1 – 10,
Defendants

Case No.: 09-CV-704-KI

PLAINTIFF'S ATTORNEY'S MOTION TO
WITHDRAW AS COUNSEL OF RECORD

Pursuant to Local Rule 83-11, counsel for plaintiff Darryl PICKENS moves the Court for an order permitting it to withdraw from further representation of plaintiff in this matter. This motion is based on the Declaration of David H. Madden filed herewith and the Points and Authorities presented below.

POINTS AND AUTHORITIES

The Oregon Rules of Professional Conduct require a lawyer to decline a representation, or to withdraw from a representation that has commenced, if the representation will result in a violation of the Rules or other law (ORPC R. 1.16(a)(1)). A lawyer may not represent a client if there is a current conflict of interest (ORPC R. 1.7(a)). No exception to the foregoing rule is applicable (ORPC R. 1.7(b)(1), *see also* Declaration of David H. Madden).

Plaintiff will not suffer material adverse harm if counsel is permitted to withdraw. Discovery is proceeding smoothly, there are no pending dispositive motions and plaintiff will have adequate time to locate alternate counsel if he chooses to do so.

Counsel has served this Motion on counsel for Defendant and on plaintiff, as stated in the accompanying Certificate of Service.

For at least the foregoing reasons, this Court should GRANT the present motion to withdraw.

Respectfully submitted:

25 May 2011

Date

/s/David H. Madden/

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